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MAY 27 2004

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named

Inventor : Bruce F. Field

Appln. No. : 10/629,391

Filed : July 29, 2003

For : ELECTRIC HYBRID VEHICLE

Docket No.: A53.12-0006

Group Art Unit: 3618

Examiner: SHRIVER II,  
JAMES A

OFFICIAL

## CERTIFICATION OF TELEFACSIMILE TRANSMISSION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

1(703) 305-7687

Sir:

I certify that the following papers are being telefacsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

1. Second Supplemental Information Disclosure Statement.
2. Field Hybrids' Pleadings Index.
3. Toyota's Prior Art Statement.

WESTMAN, CHAMPLIN &amp; KELLY, P.A.

Date: May 27, 2004By: David D. Brush

David D. Brush, Reg. No. 34,557  
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**SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The patents or publications listed on the enclosed PTO Form-1449 are submitted pursuant to 37 C.F.R. § 1.97.

**I. INFORMATION FROM RELATED LITIGATION**

The following materials are being submitted under M.P.E.P. §2001.06(c) regarding related litigation:

1. Field Hybrids' Pleadings Index as of May 26, 2004;
2. Toyota's Prior Art Statement dated April 28, 2004.

Applicant's Attorney is obtaining copies of the additional prior art mentioned in Toyota's Prior Art Statement and will submit those references once they are obtained. Also, Applicant is willing to submit any other pleading listed in the Field Hybrids' Pleadings Index should the Examiner feel these pleadings may be material to patentability.

**TIME OF FILING**

The information disclosure statement is being filed:

1. X with the application or within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. In accordance with 37 C.F.R. § 1.97(b), no statement or fee is required.

2. \_\_\_\_\_ after the time period specified in paragraph 1 above, but before the mailing date of a final action under 37 C.F.R. § 1.113 or notice of allowance under 37 C.F.R. § 1.311. Therefore, in accordance with 37 C.F.R. § 1.97(c), submitted herewith is:
- (check either A or B below)
- A. \_\_\_\_\_ a statement as specified in 37 C.F.R. § 1.97(e).
- B. \_\_\_\_\_ the fee set forth in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c).
3. \_\_\_\_\_ after the mailing date of either a final action under 37 C.F.R. § 1.113 or a notice of allowance under 37 C.F.R. § 1.311, whichever occurs first, but before payment of the issue fee. Therefore, Applicant petitions for consideration and submits herewith:
- A. a statement as specified in 37 C.F.R. § 1.97(e);
- B. the petition fee set forth in 37 C.F.R. § 1.17(p).

**STATEMENT**

(only used if No. 2(A) or No. 3 above is checked)

The person(s) signing below certify

(check appropriate paragraph)

\_\_\_\_\_ that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. 37 C.F.R. § 1.97(e)(1).

OR

\_\_\_\_\_ that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement. 37

C.F.R. § 1.97(e)(2).

METHOD OF PAYMENT

  X   No fee is required.

       Attached is a check in the amount of \$       .

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,  
WESTMAN, CHAMPLIN & KELLY, P.A.

By: David D. Brush

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